

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**DARVIN W. GRAY,**

**Petitioner,**

**v.**

**Case No. 23-CV-045-JFH-GLJ**

**CARRIE BRIDGES, Warden,**

**Respondent.**

**OPINION AND ORDER**


On February 2, 2023, Petitioner Darvin W. Gray (“Gray”) filed a “motion for F.R.C.P. 60B(4) and (6) VOID Judgement and any other reason that Justifies Relief.” Dkt. No. 1. The Court construed it as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his state-court conviction. Gray, who is pro se, is incarcerated at James Crabtree Correctional Center in Helena, Oklahoma. He states he is challenging his “illegal sentence,” and his judgment is wrong under Fed. R. Civ. P. 60(b)(4) and (6). He does not advise the case number for his conviction, or provide a copy or description of the judgment in question. A review of the Oklahoma DOC Offender website at <https://www.okoffender.doc.ok.gov>, however, indicates he is serving two sentences of life without parole from Muskogee County District Court Case No. 2011-951.

After careful review, the Court finds Gray’s motion should not have been construed as a § 2241 habeas petition. It is instead a motion for relief from a judgment, but the judgment he is challenging is from a state court, not a federal court. Rule 60(b) of the Federal Rules of Civil Procedure is only applicable to federal judgments. Gray, however, can challenge his state conviction and sentence in federal court through a petition for a writ of habeas corpus pursuant to

28 U.S.C. § 2254. Because Gray cannot receive relief under Fed. R. Civ. P. 60(b), this action is DISMISSED.

THEREFORE, IT IS HEREBY ORDERED that this action is DISMISSED.

Dated this 24<sup>th</sup> day of April 2023.

  
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JOHN F. HEIL, III  
UNITED STATES DISTRICT JUDGE